

1 RONALD C. CHAUVEL (SBN 83182)
BRANDON L. REEVES (SBN 242897)
2 GREENE, CHAUVEL, DESCALSO & MINOLETTI
951 Mariner's Island Blvd., Suite 630
3 San Mateo, CA 94404
Telephone: (650) 573-9500
4 Facsimile: (650) 573-9689
ron@greenechauvel.com
5 brandon@greenechauvel.com

6 Attorneys for Plaintiff
De Sol Corp., Inc.
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (Oakland Division)

11 De Sol Corp., Inc., a California corporation,

12 Plaintiff,

13 vs.

14 Vegas Connection, Inc., a California
corporation; Omar Awad, an individual;
15 Jahangir Shahriari, an individual,

16 Defendants.
17
18

Case No. C07 4107 SBA

**DECLARATION OF ROBERTO
ALVARO IN SUPPORT OF
OPPOSITION TO DEFENDANTS'
MOTION TO TRANSFER CASE FOR
IMPROPER VENUE**

**Hearing Date: December 18, 2007
Time: 1:00 p.m.
Dept.: 3**

19 I, ROBERTO ALVARO, declare:

20 1. I am the owner of Plaintiff De Sol Corp., Inc., a California corporation organized
21 for the purpose of importing fresh produce from suppliers in Mexico to be sold to buyers in the
22 United States. I personally arranged for the shipments of produce to the Defendants that are the
23 subject of the above-entitled action.

24 2. I submit this declaration in Support of Plaintiff's Opposition to Defendants'
25 Motion to Transfer Case for Improper Venue, or in the Alternative to Transfer for Convenience.
26 As reflected by the facts and/or exhibits discussed herein, this declaration is based upon my own
27

1 personal knowledge, except where stated as based upon information and belief. If called as a
2 witness to testify to the matters asserted herein, I could testify competently.

3 3. On or about December 28 or 29, 2006, I attended a meeting with Defendant
4 Jahangir Shahriari and Jose Antonio Gonzales (“Tony”). The meeting was requested by Mr.
5 Shahriari, through Tony, because Mr. Shahriari knew that my company could acquire produce
6 directly from farmers in Mexico for importation into the United States.

7 4. It was my understanding that Mr. Shahriari wanted to meet with me and propose
8 that our companies (Vegas Connection and De Sol) transact business together.

9 5. Mr. Shahriari knew at the December 2006 meeting that my company was based in
10 San Mateo, California.

11 6. Between January and June 2007, De Sol Corp. imported produce from Mexico
12 and sold it to Vegas Connection. Vegas Connection then resold the produce for a profit to other
13 wholesalers and retailers.

14 7. My wife, Elizabeth Alvaro, assists me with operation of De Sol Corp. out of our
15 office in San Mateo.

16 8. At all times Mr. Shahriari and his company Vegas Connection knew De Sol Corp.
17 transacted business out of its San Mateo office. At various times between January and June
18 2007, I provided Vegas Connection with the names of produce wholesalers and retailers located
19 in Northern California. Based on those leads Vegas Connection engaged in transactions and sold
20 produce to at least two San Francisco area companies: Shasta Produce and Mex Ex, LLC.

21 9. Martin Ceja, manager of Shasta, lives in the San Francisco Bay Area and will be a
22 witness on behalf of De Sol Corp. in this action. Likewise, Antonio Aguilar, owner of Mex Ex,
23 lives in the Bay Area and will be a witness on behalf of De Sol Corp. in this action.

24 10. A significant portion of the business with Vegas Connection that is the subject of
25 this action was transacted out of De Sol Corp.’s office in San Mateo. In particular, invoices,
26 which memorialized the contracts between De Sol Corp. and Vegas Connection, were faxed

1 from the San Mateo office to Vegas Connection's office in Los Angeles, or from Shasta's office
2 in South San Francisco where I used to work.

3 11. Occasionally, adjustments in quantity and price on the produce delivered to Vegas
4 Connection were necessary, and those negotiations and agreements/adjustments were
5 consummated over the phone between Elizabeth Alvaro or myself in San Mateo, and Vegas
6 Connection's representatives in Los Angeles.

7 12. De Sol Corp. and Vegas Connection routinely transacted this type of business
8 over the telephone between San Mateo and Los Angeles. When Defendants Omar Awad and
9 Jhangir Shahriari telephoned or faxed Elizabeth or myself to discuss or make agreements related
10 to the produce deliveries, they knew they were transacting business with a Northern California
11 company.

12 13. Mr. Shahriari's statement that he did not know of the existence of a company
13 called De Sol Corp., or deal with anyone located in San Mateo or Northern California until May
14 2007, is simply untrue.

15 14. As of February 2007, I still did some work for Shasta Produce in South San
16 Francisco, and Vegas Connection faxed wire transfer statements, invoices and other documents
17 to my attention at Shasta's warehouse, in addition to faxes that Vegas Connection sent to De Sol
18 Corp.'s office in San Mateo.

19 15. Attached hereto as Plaintiff's Exhibit 4 is a true and correct copy of a De Sol
20 invoice that I faxed to Vegas Connection on January 8, 2007, at 5:55 a.m., from Shasta's office
21 in South San Francisco, telephone number (650) 588-1657. As indicated on the invoice, Vegas
22 Connection later faxed the invoice back to De Sol on February 23, 2007, from its telephone
23 number in Los Angeles: (213) 622-6973.

24 16. Attached hereto as Plaintiff's Exhibit 5 is a true and correct copy of a De Sol
25 invoice that I faxed to Vegas Connection on February 12, 2007, at 6:02 a.m., from Shasta's
26 office in South San Francisco, telephone number (650) 588-1657. As indicated on the invoice,

1 Vegas Connection later faxed the invoice back to De Sol on February 23, 2007, from its
2 telephone number in Los Angeles: (213) 622-6973.

3 17. Mr. Shahriari's declaration also states that Artemio Gomez, Serafin, Jose
4 Palasios, and Habib Balashka will provide testimony for Vegas Connection in defense of this
5 action.

6 18. It is my understanding that Jose Palasios and Artemio Gomez are currently
7 employed by Vegas Connection, so it does not surprise me that Vegas would have employees
8 who might act as witnesses. De Sol Corp. also has employees, located in Northern California,
9 who will act as witnesses in this action.

10 19. Serafin and Habib Balashka will not be providing testimony for Vegas
11 Connection. Those individuals are customers of De Sol Corp. My company transacted business
12 with Serafin and Mr. Balashka as recently as November 14, 2007. I continue to have a good
13 working relationship with Mr. Balashka and Serafin. They will not support Vegas Connection's
14 allegations of scams, fraud, and/or conspiracies.

15 I declare under penalty of perjury under the laws of the State of California and the United
16 States of America that the foregoing is true and correct.

17 Dated: November 27, 2007

Roberto Alvaro